

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DARREN A. BRITTO, GABRIEL A.
TAUSCHER, and SHAWN M. KROLL,

Plaintiffs,

v.

Case No. 2:23-cv-00019

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES,

Defendant.

**PLAINTIFFS' APPENDIX TO BRIEF IN SUPPORT
OF MOTION FOR PRELIMINARY INJUNCTION**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DARREN A. BRITTO,
GABRIEL A. TAUSCHER,
and SHAWN M. KROLL,

Plaintiffs,

v.

Case No. 2:23-cv-00019-Z

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES,

Defendant.

DECLARATION OF DARREN A. BRITTO

I, Darren A. Britto, declare under the penalty of perjury that the following statements are true and correct:

1. I am a resident of Amarillo, Texas.
2. I am a combat veteran of the United States Marine Corps. I served in Operation Desert Shield, Operation Desert Storm, Somalia, Afghanistan, and Iraq.
3. I own a pistol with a stabilizing brace, which has a barrel of less than 16 inches, hereby making it a “short-barreled rifle” under ATF’s new rule. I had this

pistol custom-made. It was not designed, made, or intended to be fired from the shoulder.

4. I use my firearm for personal defense, competitive sport shooting, recreation with my family, and as part of my employment as a firearms instructor certified by the NRA and the State of Texas.

5. I use the stabilizing brace to fire my firearm with one hand. Because of combat-related disability affecting my right shoulder, I have no interest in firing this firearm from my shoulder or otherwise using the stabilizing brace as a shoulder stock.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated this day, February 3, 2023.

/s/ Darren A. Britto
Darren A. Britto

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DARREN A. BRITTO,
GABRIEL A. TAUSCHER,
and SHAWN M. KROLL,

Plaintiffs,

v.

Case No. 2:23-cv-00019-Z

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES,

Defendant.

DECLARATION OF GABRIEL A. TAUSCHER

I, Gabriel A. Tauscher, declare under the penalty of perjury that the following statements are true and correct:

1. I currently reside in Oconomowoc, Wisconsin.
2. I served in the United States Marine Corps, deploying overseas in support of the Global War on Terrorism.
3. After my service, I served as a security contractor, protecting people and places all over the country.
4. I own a pistol with a stabilizing brace. The barrel is less than 16 inches. I use the brace because it makes the firearm more accurate, stable, and safer.
5. I use my pistol for personal protection and recreation.

6. I use the stabilizing brace to fire my weapon with one hand, and I do not use the stabilizing brace as a shoulder stock. For me, using the brace is a practical necessity. In 2021, I was ambushed and shot 15 times in Minneapolis. I spent 85 days in the hospital, enduring multiple surgeries and requiring 20 pints of blood. To this day, 3 of the 15 bullets remain in my body. Because of my injury, my left arm is partially disabled. I've done extensive amounts of physical therapy for my left arm and my hand still can't make a fist. The stabilizing brace therefore helps me fire one-handed.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated this day, February 3, 2023.

/s/ Gabriel A. Tauscher
Gabriel A. Tauscher

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DARREN A. BRITTO,
GABRIEL A. TAUSCHER,
and SHAWN M. KROLL,

Plaintiffs,

v.

Case No. 2:23-cv-00019-Z

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES,

Defendant.

DECLARATION OF SHAWN M. KROLL

I, Shawn M. Kroll, declare under the penalty of perjury that the following statements are true and correct:

7. I am a resident of Hartland, Wisconsin.

8. I own a pistol with a 10.5" barrel that has a stabilizing brace. I use this firearm for recreational target shooting, hunting, and personal defense. I use the stabilizing brace because it makes my firearm more accurate and therefore safer when firing from one hand. As designed, my brace is not intended to be fired from the shoulder.

9. I am a Marine combat veteran, serving the United States in Afghanistan from 2009 to 2010.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated this day, February 3, 2023.

/s/ Shawn M. Kroll
Shawn M. Kroll